

II.
BASIS FOR REMOVAL

4. Venue is proper in this District under 28 U.S.C. § 1441(a) because the state court where the action is pending is located in this District.

5. Removal is proper under 28 U.S.C. § 1332(a) if there is complete diversity between the parties and the amount in controversy exceeds \$75,000, exclusive of interest, costs and attorneys' fees. These two conditions are satisfied in this matter.

A. Removal is Proper Because Complete Diversity of Citizenship Exists Between Plaintiff and Defendants

6. Plaintiff Richard Garza resides in Bexar County, Texas and is thus a citizen of Texas for diversity jurisdiction purposes.

7. Defendant General Star is an insurance company incorporated in the State of Delaware with its principal place of business in Connecticut. General Star is thus a citizen of both Delaware and Connecticut for diversity jurisdiction purposes.

8. Defendant Michael Koehler resides in Carmel, Indiana and is thus a citizen of Indiana for diversity jurisdiction purposes.

9. Complete diversity of citizenship exists between Plaintiff on the one hand and Defendants General Star and Koehler on the other hand (now and on the date Plaintiff filed this lawsuit).

B. Removal is Proper Because Plaintiff's Claimed Damages Exceed This Court's Jurisdictional Threshold of \$75,000.

10. It is facially apparent that Plaintiff's claims in this suit exceed \$75,000, exclusive of interest, costs, and attorneys' fees. Therefore, Defendants' burden to establish the amount in

controversy exceeds this Court's jurisdictional threshold is satisfied.¹

11. Here, Plaintiff's Petition states that Plaintiff seeks to recover "monetary relief of no less than \$200,000, but no more than \$1,000,000".² It is thus facially apparent that Plaintiff's claim exceeds this Court's jurisdictional threshold of \$75,000.

III. CONCLUSION

12. As required by 28 U.S.C. Section 1446(a) and Local Rule 9027, a copy of the docket sheet in the state court action and all pleadings, orders, and writs are attached to (or filed with) this Notice of Removal.

13. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice of Removal will be filed with the clerk of the District Clerk of Dallas County, Texas promptly after the filing of this Notice of Removal.

14. Pursuant to 28 U.S.C. § 1446(d), written notice of filing of this Notice will be given to all adverse parties promptly after the filing of this Notice.

WHEREFORE, Defendants General Star National Insurance Company and Michael Koehler request that this action be removed from the 57th Judicial District Court of Bexar County, Texas, to the United States District Court for the Western District of Texas, San Antonio Division, and that this Court enter such further orders as may be necessary and appropriate.

¹ *Allen v. R&H Oil & Gas Co.*, 63 F.3d 1326, 1335 (5th Cir. 1999).

² Plaintiff's Petition at pg. 19, ¶84, attached hereto as Exhibit A-2. Plaintiff's Petition also states: "Plaintiff currently estimates that actual damages to the Property under the Policy are \$164,041.60." *Id.* at p. 17, ¶75.

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANTS
GENERAL STAR NATIONAL
INSURANCE COMPANY AND
MICHAEL KOEHLER**

CERTIFICATE OF SERVICE

On October 18, 2017, a true and correct copy of Defendants General Star National Insurance Company and Michael Koehler's Notice of Removal was served upon all known counsel of record pursuant to the Federal Rules of Civil Procedure as follows:

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